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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LYNN DINORSCIA, MARGARET D.
FRITZ, RHONDA PAYNE, RUTH J.
WILLIAMS AND TIFFANY R. WILSON,

Plaintiffs,

vs.

AGILENT TECHNOLOGIES, INC.
AND DOES 1 through 200, Inclusive,

Defendants.

Case No. C 04 5436 SC

**DECLARATION OF SHANNON
NAKABAYASHI IN SUPPORT OF
DEFENDANT AGILENT
TECHNOLOGIES, INC. MOTION FOR
TRANSFER OF VENUE
(28 U.S.C. § 1404(a))**

Date: April 1, 2005

Time: 10:00 a.m.

Judge: Senior Judge Samuel Conti

Courtroom: 1, 17th Floor

Date of Filing: January 14, 2005

I, SHANNON NAKABAYASHI, declare:

1. I am an attorney at the law firm of Morgan, Lewis & Bockius LLP, attorneys of record for Defendant Agilent Technologies, Inc. ("Agilent" or "Defendant"). I am licensed to practice law before all of the Courts for the State of California and am admitted to practice before this Court. I have direct and personal knowledge of the facts set forth in my Declaration and, if called and sworn as a witness, I would competently testify to these facts.

2. In October 2004, the Plaintiffs in the matter *Williams, et al. v. Agilent Technologies, Inc.* Case No. 3:04-cv-1810 MMC, filed a motion to certify a class action consisting of 13,400 former Agilent employees, including the Plaintiffs in this action. Northern

1 District Judge Maxine Chesney denied that motion on December 3, 2004, ruling that the former
2 Agilent employees were terminated at different times, for different reasons, by different
3 managers, relying upon different evidence, in different parts of the country.

4 3. Plaintiffs in this action subsequently attempted to designate the *Williams* litigation
5 as a matter "related" to this case. Judge Chesney found that such designation was improper and
6 that the two matters were not related. Judge Chesney then denied Plaintiff's motion(s) for leave
7 to file a motion for reconsideration of her decision.

8 4. At a case management conference for the *Williams* matter on December 3, 2004,
9 Plaintiffs' counsel again argued that the two cases were related. Judge Chesney stated that she
10 would not have "every case involving Agilent employees" before her.

11 I declare under penalty of perjury that the foregoing is true and correct.

12 Executed this 25 day of February, 2005 at San Francisco, California.

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15 SHANNON NAKABAYASHI
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